

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 3:07CR00001

KEVIN ALFRED STROM

SECOND MOTION IN LIMINE

The defendant, Kevin Strom, through counsel and pursuant to Federal Rules of Evidence 104(a), 401 and 402, respectfully moves this Honorable Court to exclude the use as evidence by the government any information concerning an anonymous gift that was sent to the residence of the minor child around Christmas, 2005 that the government intends to introduce in its case at trial. Counsel requests a hearing on this motion.

In support of this motion, counsel states:

Federal Rule of Evidence 402 provides that evidence which is not relevant is not admissible. Counsel has reviewed the discovery provided by the government to date and it appears that the government has no evidence that the gift (a CD and sweater) was sent by the defendant. Admission of this evidence is not relevant because it does not have a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Federal Rule of Evidence 401. Further, admission of this evidence will only invite the jury to speculate as to the sender of this gift.

WHEREFORE, for the foregoing reasons, as well as for any other reasons that may appear to the Court, Mr. Strom respectfully requests that this motion be granted.

Respectfully submitted,
KEVIN ALFRED STROM
By Counsel

Counsel:

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: counsel of record; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: none.

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